

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PAUL MEGINO, *et al.*,

Plaintiffs,

v.

NATIONAL DEFAULT SERVICING
CORPORATION, *et al.*,

Defendants.

Case No. 2:09-CV-00370-KJD-GWF

ORDER

Plaintiffs' complaint was filed in state court on October 27, 2008. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon Defendant National Default Servicing Corporation ("National") expired no later than February 27, 2009. On January 7, 2011, the Court ordered Plaintiffs to file proof of service of the summons and complaint no later than January 21, 2011, and warned Plaintiffs that failure to do so would result in the complaint against National being dismissed without prejudice.

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1 Plaintiffs have failed to file proof of service on Defendant National, or to otherwise respond
2 to the Court's order. Therefore, the Court dismisses Plaintiffs' complaint without prejudice against
3 Defendant National Default Servicing Corporation for failure to serve Defendant in compliance with
4 Rule 4(m). The Clerk of the Court shall close this case.

5 **IT IS SO ORDERED.**

6 DATED this 2nd day of February 2011.

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10 Kent J. Dawson
United States District Judge
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